

Message Text

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ACTION STR-04

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PA-01 AID-05 CIEP-01 SS-15 ITC-01 TRSE-00 PRS-01

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O R 241618Z SEP 76

FM USDEL MTN GENEVA

TO SECSTATE WASHDC IMMEDIATE 1903

INFO USMISSION EC BRUSSELS

AMEMBASSY BRASILIA

AMEMBASSY OTTAWA

AMEMBASSY TOKYO

C O N F I D E N T I A L SECTION 1 OF 3 MTN GENEVA 7468

ACTION STR

E.O. 11652: GDS

TAGS: ETRD, MTN

SUBJECT: SEPTEMBER 23 7-PLUS-7 MEETING ON FRAMEWORK IMPROVEMENT

REF: STATE 229728

1. SUMMARY. AT SEPTEMBER 23 7-PLUS-7 CONCLUSIONS ON
FRAMEWORK GROUP WERE REACHED. MEETING INDICATED
DIVERGENCE OF VIEWS, FOR THE MOST PART WITH RESPECT TO
PRIORITY ITEMS WHICH WOULD BE TAKEN UP BY THE GROUP.
U.S. SUGGESTED ADDITION OF GRADUATION AND SUPPLY ACCESS TO
LISTED ISSUES. HOWEVER, THE CANADIANS WERE VERY MUCH
OPPOSED TO INCLUSION OF SUPPLY ACCESS. EC AND JAPAN
INDICATED RESERVATIONS WITH RESPECT TO PROGRAM PROPOSED
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BY BRAZIL AND SUPPORTED US ON GRADUATION ISSUE.

DIFFERENCE OVER PRIORITY ISSUES LED TO SUGGESTIONS BY SOME THAT MANDATE BE LEFT OPEN AND THAT GROUP BE ALLOWED TO ESTABLISH ITS OWN WORK PROGRAM. SUMMATION BY PATTERSON RECOGNIZED DISAGREEMENT AND SUGGESTED SOLUTION ALONG FOLLOWING LINES--USE TOKYO DECLARATION (PARA9) FOR TERMS OF REFERENCE, SUPPLEMENTED BY A TNC STATEMENT THAT GROUP SHOULD TAKE UP A BALANCED WORK PROGRAM, SHOULD NOT DUPLICATE WORK OF OTHER GROUPS, SHOULD COMPLETE ITS EFFORTS WITHIN THE MTN TIMEFRAME, ALONG WITH REFERENCE TO PRIORITY ITEMS. NEXT MEETING SET FOR OCTOBER 12.
END SUMMARY.

2. PATTERSON OPENED THE MEETING BY INDICATING THAT THE SECRETARIAT BELIEVES THAT THE QUESTION OF A REFORM GROUP SHOULD BE SETTLED BY THE END OF OCTOBER AND HE HOPED THAT A PRELIMINARY AGREEMENT ON THE MATTER MIGHT BE REACHED AT THE MEETING. HE NOTED THAT THERE HAD BEEN CONSULTATIONS ON THE ISSUE AMONG DELEGATIONS SINCE THE LAST 7-PLUS-7 HAD BEEN USEFUL. HE THEN PRESENTED US VIEWS BY REPEATING THE BASIC U.S. CONCERNS (NO DUPLICATION OF WORK OF OTHER GROUPS, BALANCED WORK PROGRAM, ISSUES TO BE NEGOTIABLE WITHIN THE MTN TIME-FRAME) AND IN LIGHT OF SUCH CONCERNS REVIEWED THE TERMS OF REFERENCE PROPOSED BY BRAZIL (BRIEF FORMAL MANDATE ACCOMPANIED BY A SUPPLEMENTARY UNDERSTANDING) BUT SUGGESTED THAT, IN ORDER TO REFLECT BALANCE, REFERENCE TO THE SPECIAL INTERESTS OF THE LDCS SHOULD APPEAR NOT IN THE FORMAL MANDATE OF THE GROUP BUT RATHER IN THE UNDERSTANDING ON THE WORK PROGRAM. EWE ALSO EMPHASIZED THE NEED FOR BALANCE IN THE ISSUES TO BE GIVEN PRIORITY ATTENTION. IN THIS REGARD WE SUGGESTED THAT THE BRAZILIAN SUGGESTION THAT THE GROUP REVIEW THE APPLICABILITY OF THE MFN PRINCIPLE BE RECAST IN TERMS OF THE LEGAL BASIS FOR DIFFERENTIAL AND MORE FAVORABLE TREATMENT FOR DEVELOPING COUNTRIES.

5. WITH REGARD TO THE "SAFEGUARD ISSUE" PROPOSED BY BRAZIL, THE U.S. SUGGESTED THAT THE PROPOSED FORMULATION
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RAISES QUESTION OF DUPLICATION OF WORK IN THE SAFEGUARDS GROUP AND THAT THE ISSUE COULD BE BETTER PHRASED IN TERMS OF ARTICLES XII AND XVIII. SIMILARLY, THE U.S. SUGGESTED THAT THE DISPUTE SETTLEMENT ISSUE SHOULD FOCUS ON ARTICLES XXII AND XXIII OF THE GATT.

6. TURNING TO THE RECIPROCITY ISSUE PROPOSED BY BRAZIL, THE U. S. REMARKED THAT THE DESIRABILITY OF

BALANCE MUST BE TAKEN INTO ACCOUNT. IN THIS REGARD,
WE MENTIONED THAT THE OTHER SIDE OF THE COIN--THE
GRADUAL ASSUMPTION OF LDCS OF FULLER OBLIGATIONS UNDER
THE TRADING SYSTEM TAKING INTO ACCOUNT THEIR
DEVELOPMENT NEEDS--MIGHT BE ADDRESSED. WE ADDED,
HOWEVER, THAT THE U.S. WAS NOT SUGGESTING SPECIFIC
LANGUAGE NOW.

7. FINALLY, ALTHOUGH AGAIN WITHOUT OFFERING ANY
SPECIFIC LANGUAGE, THE U.S. SAID THAT THE GENERAL
ISSUE OF SUPPLY ACCESS MIGHT BE CONSIDERED A PRIORITY
ISSUE FOR A FRAMEWORK IMPROVEMENT GROUP.

8. BRASIL (AMBASSADOR MACIEL) REPLIED BY NOTING
SATISFACTION OVER U. S. AGREEMENT WITH THE FORMAT FOR A
MANDATE PROPOSED BY BRAZIL. HOWEVER, WITH REGARD TO
THE U.S. POINT ON BALANCE, MACIEL ARGUED THAT THE
BRAZILIAN PROPOSAL WAS IN FACT A COMPROMISE WHICH
REFLECTED THE NECESSARY BALANCE AND SHOULD SATISFY
THE U.S.

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9. COMMENTING ON THE POINTS RAISED BY U.S. THE LIST OF PRIORITY ITEMS, MACIEL SAW NO REAL PROBLEMS ON THE FIRST THREE ISSUES (MFN, BALANCE OF PAYMENTS AND DISPUTE SETTLEMENT). HOWEVER, IN HIS VIEW, THE QUESTION OF GRADUATION RAISED A DIFFICULT POINT. BRAZIL RECOGNIZED THAT THE PURPOSE OF DEVELOPMENT WAS TO DEVELOP AND THAT AS THIS OBJECTIVE IS ACHIEVED OVER TIME, LDCS WOULD ASSUME FULLER OBLIGATIONS. HOWEVER, GRADUATION WAS A LONG WAY OFF AND NOT, IN MACIEL'S VIEW, A PRIORITY ITEM. SUPPLY ACCESS WAS CHARACTERIZED AS AN "EXPLOSIVE" ISSUE WHICH MACIEL THOUGHT PERHAPS NOT APPROPRIATE TO A PRIORITY LIST. THE ADDITION OF BOTH ISSUES WOULD CHANGE RADICALLY THE NATURE OF A FRAMEWORK GROUP. MACIEL ADDED, HOWEVER, CONFIDENTIAL

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THAT HIS MIND WAS NOT CLOSED AND THAT HE COULD GO DEEPER INTO THE ISSUE SHOULD THE U.S. PRESENT SPECIFIC PROPOSALS.

10. ARGENTINA (MARTINEZ) IN A HIGHLY THEATRICAL PERFORMANCE, CHALLENGED THE BRAZILIAN DRAFT AS DEPARTING FROM PRIOR PAPERS. IN PARTICULAR, ARGENTINA BELIEVED THAT THE GROUP SHOULD NOT BE PREVENTED FROM PUTTING AGREEMENTS REACHED ELSEWHERE INTO AN APPROPRIATE LEGAL FRAMEWORK AND THAT ALL GATT ARTICLES SHOULD BE SUBJECT TO REVIEW. REP SEEMED TO BE DELIBERATELY TAKING A POSITION MORE EXTREME THAN THE BRAZILIANS IN ORDER TO BALANCE U.S. AND OTHER DC CRITICISM OF THE BRAZILIAN PROPOSAL. HOWEVER, HE IMPLIED THAT ARGENTINIAN WOULD BE PREPARED TO ACCEPT THE BRAZILIAN DRAFT AS A COMPROMISE.

11. JAPAN HAD NOT YET FINISHED REVIEW OF THE MANDATE OF THE GROUP PROPOSED BY BRAZIL AND SO COULD NOT SAY ANYTHING OFFICIALLY. SUBJECT TO THIS CAVEAT, THE JAPANESE REP (AMAU) THEN STATED MORE FORCEFULLY AND AT GREATER LENGTH THAN IN THE PAST, AGREEMENT WITH THE PRINCIPLES OF BALANCE, NODUPLICATION OR INTERFERENCE WITH OTHER GROUPS, AND LIMITATION OF NEGOTIATION TO THE MTN TIME-FRAME. IN PARTICULAR, THE QUESTION OF NON-DUPLICATION WAS OF GREAT IMPORTANCE AND WOULD BE TAKEN INTO CONSIDERATION WHEN MAKING A DECISION IN TOKYO. IN ADDITION AMAU STATED A GROUP SHOULD BE

BASED ON TOKYO DECLARATION AND COULD EXAMINE EXISTING RULES BUT SHOULD NOT BECOME ENGAGED IN DRAFTING NEW RULES. ON THE SPECIFIC ISSUES, JAPAN BELIEVED THAT IF MFN AND RECIPROCITY ARE TO BE CONSIDERED, GRADUATION MUST ALSO BE TAKEN UP. HE QUESTIONED THE APPROPRIATENESS OF DISPUTE SETTLEMENT AND HAD NO CONCLUSIONS ON BOP OR SUPPLY ACCESS.

12. SWITZERLAND (EBERHARD) SHARED POSITIVE VIEWS ON A FRAMEWORK GROUP, BUT LINKED SUPPORT TO CONDITIONS STATED BY AMBASSADOR WLAKER (ALTHOUGH BEFORE TAKING ANY FINAL STAND ON THE NEW U.S. PROPOSALS, SWITZERLAND WOULD WANT MORE
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PRECISE INFORMATION). EBERHARD THEN STATED AT SOME LENGTH THE NEED FOR BALANCED TERMS OF REFERENCE AND NEUTRALITY IN THEIR DRAFTING, SO AS NOT TO PREJUDGE THE ISSUES. HOWEVER HE SEEMED TO AGREE WITH INCLUSION OF GRADUATION.

13. FINLAND, SPEAKING FOR THE NORDICS, REAFFIRMED ITS SUPPORT FOR A GROUP AND UNDERLINED THE NEED FOR EARLY AGREEMENT. THE STATEMENT OF THE U.S. WAS WELCOMED, BUT SPECIFIC COMMENTS WOULD REQUIRE SPECIFIC PROPOSALS. THE FINNISH REP (AMB. KAARLETHO) EMPHASIZED NEED TO AVOID PREFUDGING ISSUES.

14. EGYPT (HAMZA) ARGUED THAT DECISION SHOULD BE MADE TO ESTABLISH GROUP BASED ON FIRST PARAGRAPH OF BRAZILIAN PROPOSAL AND LET THE GROUP ITSELF DETERMINE ITS WORK PROGRAM IN LIGHT OF THE MTN TIME-FRAME.

15. THE EC (LUYTEN) PREFACED REMARKS BY INDICATING THAT THERE WOULD HAVE TO BE FURTHER EXCHANGE OF VIEWS BUT ADDING THAT CONSIDERATION OF THE GROUP WOULD HAVE TO MOVE QUICKLY. HE CAREFULLY AVOIDED ANY FIRM POSITION ON THE GENERAL QUESTION OF BALANCE OF THE WORK PROGRAM. INSTEAD, HE FOCUSED ON THE SPECIFIC ISSUES WHICH MIGHT BE TAKEN UP IN A REFORM CONTEXT. HE NOTED GENERAL AGREEMENT ON NEED TO BEGIN WORK WITH PRIORITY SUBJECTS. THE BALANCE OF THE WORK PROGRAM WOULD BE HANDLED THROUGH SELECTION OF ISSUES. TO THE EXTENT NECESSARY, THE TNC COULD ADD ADDITIONAL SUBJECTS. TURNING TO THE SPECIFICS, LUYTEN SAID EXAMINATION OF THE MFN CLAUSE SHOULD APPLY TO TRADE BOTH BETWEEN DCS AND LDCS AND AMONG LDCS. ALSO, SPECIAL MEASURES FOR THE LEAST DEVELOPED COUNTRIES SHOULD BE GIVEN CONSIDERATION. ON THE SUBSTANCE OF THIS ISSUE, LUYTEN STRESSED THAT

THE EC COULD NOT BIND PREFERENCES.

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16. ON THE QUESTION OF RECIPROCITY, LUYTEN INDICATED A WILLINGNESS TO TAKE UP THE ISSUE BUT LINKED IT TO DISCUSSION OF GRADUATION. ON THE OTHER ISSUES-- DISPUTE SETTLEMENT, SAFEGUARDS AND SUPPLY ACCESS-- LUYTEN TOOK NO FIRM POSITION, HE RAISED POSSIBLE DIFFICULTIES IN CONNECTION WITH THE FIRST TWO ITEMS AND SAID ONLY THAT THE DIALOGUE ON SUPPLY ACCESS SHOULD BE CONTINUED.

COMMENT:

LUYTEN'S REMARKS REFLECTED THE UNCERTAINTY OF THE EC POSITION, WHICH WILL BE DEBATED BY 113 COMMITTEE TODAY IN BRUSSELS.

THE EC HAS MADE NO DISCUSSION WITH RESPECT

TO THE NATURE OF A REFORM EFFORT IN THE MTN. THEY
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VIEW DISCUSSION OF LDC ISSUES AS UNAVOIDABLE. THE
EC WOULD LIKE TO AVOID ANY DISCUSSION OF RULES GOVERNING
TRADE BETWEEN DEVELOPED COUNTRIES (THUS THE QUESTIONING
OF DISPUTE SETTLEMENT AND BOP), BUT ARE WARY THAT FAILURE
TO SETTLE ON A LIST OF ISSUES COULD OPEN THE FLOOD
GATES ON BOTH LDC AND U.S. REFORM ITEMS.

17. CANADA (DENIS) FOLLOWED THE EC. THE CANADIAN
REP AFFIRMED THAT THE TIME HAS COME TO SET UP A GROUP,
THAT IN DEVELOPING A WORK PROGRAM THERE
SHOULD BE NO SUPPLICATION AND THAT THE BRAZILIAN TEXT
OFFERS A REASONABLE BASIS FOR BALANCE RESULTS. HE
BLUNTLY OPPOSED THE U.S. SUGGESTION THAT A GROUP
CONSIDER SUPPLY ACCESS. NOTE: DENIS HAD INFORMED
THE U.S. BEFORE THE MEETING THAT CANADA
COULD NOT SUPPORT OUR INITIATIVE ON SUPPLY ACCESS.
HE HAD SPOKEN TO GREY (CURRENTLY IN OTTAWA) WHO,
UNDER HARD INSTRUCTIONS FROM MINISTERS, HAD TOLD
HIM TO OPPOSE THE U.S. INITIATIVE. HOWEVER, EVEN IN
LIGHT OF HIS CONVERATION WITH GREY, DENIS WAS
PARTICULARLY HARSH. HE FLATLY RULED OUT ANY DISCUSSION
"AT THIS TIME," INCLUDING ANY "CAMOUFLAGED"
TEXT WHICH MIGHT INDIRECTLY PERMIT SUCH A RESULT.

18. JAMAICA (WALKER) ACCUSED THE DEVELOPED COUNTRIES
OF DELAY AND STATED THAT AN EFFORT SHOULD BE MADE TO
BEGIN TAKING THOSE PARTS OF BRAZILIAN PROPOSAL ON
WHICH AGREEMENT EXISTS. WALKER SAID THAT GRADUATION AND
SUPPLY ACCESS WERE NOT APPROPRIATE ISSUES FOR PRIORITY
ATTENTION OF A GROUP. YUGOSLAVIA ALSO SUPPORTED
BRAZILIANS AND QUESTIONED SUPPLY ACCESS ITEM.

19. EGYPT TOOK THE FLOOR AGAIN TO PRESS FOR SETTING UP
THE GROUP QUICKLY AND LETTING IT WORK OUT ITS OWN WORK PROGRAM.
HE ARGUED THAT THIS WAS STANDARD MTN PRACTICE; USING OBSTETRICAL
ANALOGY THAT "WE SHOULD LET THE BABY BE BORN" BECAUSE LONGER
GESTATION WOULD YIELD EVEN BIGGER BABY. INDIA STRONGLY
SUPPORTED THIS APPROACH.

20. AUSTRALIA, RYAN IN AN UNHELPFUL INTERVENTION, URGED
THAT, WHEN CONSIDERING THE WORK PROGRAM, THERE SHOULD
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BE A PRACTICAL APPROACH. THE MANDATE OF A GROUP SHOULD BE KEPT REASONABLY FLEXIBLE AND DETAILED WORK PROGRAM SET UP BY THE GROUP. THE IMPACT WAS TO ADD MOMENTUM TO THE VIEWS PREVIOUSLY EXPRESSED BY EGYPT AND INDIA. FURTHER, THE AUSTRALIAN POSITION ON SUPPLY ACCESS COMPLEMENTED CANADA'S OPPOSITION. AUSTRALIA GAVE A SPECIFIC REASON-- THE AVOIDANCE OF DUPLICATION-- FOR THE INAPPROPRIATENESS OF TAKING UP SUPPLY ACCESS IN A REFORM CONTEXT. THE AUSTRALIAN REP CITED CONSIDERATION OF THE SUPPLY ACCESS QUESTIONS IN SUB-GROUPS OF GROUP AGRICULTURE, THE QR GROUP AND GROUPS ON SECTORS AND SAFEGUARDS (SIC).

21. MACIEL (BRAZIL) EXPRESSED DISAPPOINTMENT WITH THE DISCUSSION. HE NOTED THAT THE GROUP WAS PROPOSED IN DECEMBER OF LAST YEAR AND THAT THE MANDATE PRESENTED BY BRAZIL WAS BALANCED (A MODEST ACCENT ON THE PROBLEMS OF THE LDCS WAS A COUNTERWEIGHT TO THE CURRENT IMBALANCE OF THE GATT). HE SUGGESTED THAT THE GENERAL CONCERNS OF THE DEVELOPED COUNTRIES (NON-DUPLICATION, ETC.) HAD BEEN MET BY THE BRAZILIAN DRAFT MANDATE AND THAT THE ONLY ISSUE WAS THE QUESTION OF PRIORITY ITEMS. HE DID NOT KNOW WHETHER IT WOULD BE BETTER TO OMIT A LIST OF ISSUES AND LEAVE THE MATTER TO THE GROUP. HE THEN APPEALED FOR A SPECIFIC TEXT IF CHANGES WERE TO BE SUGGESTED IN THE BRAZILIAN DRAFT AND HOPED IT WOULD BE SUCCINCT. COMMENT: MACIEL'S CLOSING REMARKS APPEARED CALCULATED TO PUT PRESSURE ON THE U.S. AND OTHER DCS BUT CAREFULLY LEFT OPEN THE POSSIBILITY OF ACCOMMODATION ON SOME POINTS RAISED IN THE BRAZILIAN DRAFT. AFTER THE MEETING HE PRIVATELY ADVISED WE SHOULD FOCUS MORE ON HIS FIRST SPEECH THAN HIS LAST.

22. PATTERSON SUMMED UP THE DISCUSSION BY ECHOING MACIEL'S DISAPPOINTMENT. HE NOTED THAT THE MAJOR DISAGREEMENT SEEMED TO BE OVER THE PRIORITY ISSUES. TO FACILITATE ESTABLISHMENT OF THE GROUP, PATTERSON SUGGESTED THAT THE MATTER BE APPROACHED NOT AS A QUESTION OF DETAILED TERMS OF REFERENCE, BUT RATHER OF AN OPEN FORMAL MANDATE, A DECISION BY THE CONFIDENTIAL

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TNC ON THE BROAD CONCERNS EXPRESSED BY THE DCS ABOUT DUPLICATION, BALANCE AND TIME-FRAME ALONG WITH A IDENTIFICATION OF PARTICULAR PRIORITY ISSUES.

23. 7-PLUS-7 WILL MEET AGAIN OCTOBER 12 TO RESUME DISCUSSION.WALKER

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